

PATENT
09/162,648
Docket: SEQ-2

REMARKS

Claims 23-31 are indicated as being in condition for allowance, for which applicant is grateful. The rejection under 35 USC § 112 ¶ 2 has been withdrawn, for which applicant is also grateful.

Claims 1-14, 18-20, 22, and 32 stand rejected under 35 USC § 103 as being obvious over the Granger Patent (U.S. 5,87,233) in combination with the PCT publication by Hiserodt et al. (WO 98/16238), and academic articles by Haugland et al. (1992) and Jung et al. (1990). Applicant does not agree with the rejections for reasons indicted previously. In fact, the Granger patent does not direct the reader to implement the improvement claimed here, because it demonstrates that a single implant of alloactivated cells is sufficient to achieve a desirable therapeutic effect. The present disclosure teaches for the first time that giving a plurality of sequential implants produces an unexpected synergistic effect that accelerates tumor regression, and protects the subject against rechallenge or metastatic regrowth.

Nevertheless, claims 1-9, 12-19, and 22-23 have been cancelled without prejudice to expedite issuance of the allowable claims. Applicant reserves the right to reintroduce claims to this or any other subject matter taught in the specification as filed in this or any related application.

Claims 10, 11, and 12 have now been amended to depend from allowable claim 23.

Claim 20 stands rejected for reasons indicated for the rejection of preceding claims 1-14 and 18-19. However, claim 20 was amended to depend from claim 23 rather than claim 13 in the paper filed October 2, 2002.

Claim 20 is patentable *inter alia* because it covers "a pharmaceutical composition comprising alloactivated lymphocytes allogeneic to leukocytes in a cancer patient *packaged with information for the treatment of the patient according to the method of claim 23*". The information in the package is not referred to in the preamble, it is referred to in the body of the claim, which makes it a necessary component of the claimed product. Since the method of claim 23 is novel and non-obvious over the prior art of record, it necessarily follows that a cell composition packaged with information for treatment of a patient according to the same method is also novel and non-obvious. Thus, the claimed product must be free of the prior art of record in the same way.

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Request for a further Interview

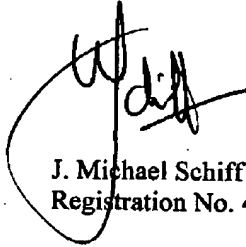
Applicant requests that all outstanding rejections be reconsidered and withdrawn in light of this submission. The application is believed to be in condition for allowance, and prompt issuance of a Notice of Allowance is respectfully requested.

If upon consideration of this paper, the Examiner believes there are further matters to be addressed, applicant hereby requests an interview by telephone.

This paper is accompanied by a Notice of Appeal to extend the time for the Examiner to reconsider this application in view of these amendments and remarks.

Should the Patent Office determine that a further extension of time or other relief is required for further consideration of this application, applicant hereby petitions for such relief and authorizes the Commissioner to charge the cost of such petitions and other fees due in connection with the filing of this document to the Credit Card indicated on accompanying PTO-2038.

Respectfully submitted,



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